

## REMARKS

Claims 12-31 are pending in the present application. Claims 1-11 were previously canceled. Claims 29-31 have been added. No new matter has been added. Applicant respectfully requests reconsideration of the claims in view of the following remarks.

Applicant thanks Examiner for allowance of claim 22 if rewritten in independent form. In view of the allowability of all of the pending claims, Applicant has not rewritten this claim.

All claims have been rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as being unpatentable over Schindler (WO 03/019649), either alone or in combination with other references. Applicant respectfully submits, however, that Schindler is not a prior art for the present application.

The present application and Schindler have identical inventorship, i.e., Gabric, Pamler and Schindler (of course, the order of the names does not matter). In addition, the present application claims priority from International Application PCT/DE05/00088 filed on January 22, 2005, which claims priority from German application 10 2004 003 337.4 filed January 22, 2004. An English translation of the International Application was provided on September 2, 2008.

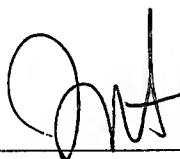
Schindler, which was published on April 14, 2005, is not prior art under § 102(b) or § 102(a) because the publication was after the PCT (and German) filing. Further, since both the reference and the present application have the same inventive entity, Schindler is not prior art under § 102(a) or 102(e). Accordingly, claims 12-28 are allowable.

New claim 29 specifically recites "forming a single layer of homogenous material comprising silicon, oxygen, and nitrogen over a substrate." None of the prior art cited teach or suggest a homogenous material comprising silicon, oxygen, and nitrogen. Hence, independent claim 29 and its dependent claims 30 and 31 are also allowable.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Ira S. Matsil, Applicant's attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

  
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